

9-28-01 A

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC49  
10/27/01  
09/27/01

1100 U.S. PRO  
09/966561



Applicant: Miller, et al.  
 Filing Date: September 27, 2001  
 Serial No.: Unassigned  
 Title: TREATING NEUROLOGICAL DISORDERS USING HUMAN APOPTOSIS INHIBITING PROTEIN.

Assignee: Unassigned  
 Examiner: Unassigned  
 Group Art Unit: Unassigned

## UTILITY PATENT APPLICATION &amp; FEE TRANSMITTAL

(for nonprovisional applications under 37 CFR § 1.53(b))

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

**I. Elements of the Application**

- Application [0] page(s) of Cover Sheet  
 [48] page(s) of Specification  
 [3] page(s) of Claims (20 claims)  
 [1] page(s) of Abstract  
 [9] sheets of Drawings  Formal  Informal
- Declaration and Power of Attorney [3] page(s)  
 [ ] Unexecuted  Executed  Copy from prior application (37CFR § 1.63(d))
- Deletion of Inventors: [ ] page(s) of signed statement deleting inventor(s) (37CFR§ 1.63(d) & 1.33(b))
- Request and Certification Under 35U.S.C. 122(b)(2)(B)(i)
- Nucleotide and/or Amino Acid Sequence Submission:  
 [ ] page(s) of Sequence Listing (paper copy)  
 [ ] disk(s) containing Sequence Listing (computer readable copy)  
 [ ] page(s) of Statement Under 37 CFR 1.821(f)
- Microfiche Computer Program Appendix \_\_\_\_\_

**II. Claim for U.S. Priority**

- This application is a  Continuation  Divisional  Continuation-in-Part of Prior Application No. 09/419,694 filed October 14, 1999. (35 USC §120)
- This application claims the benefit under 35 U.S.C. §119(e) of United States Application Serial No. 60/111,502, filed December 8, 1998. (*Provisional Application*)
- The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.

**III. Claim for Foreign Priority**

- This application claims the benefit under 35 USC §119 of Prior Application No. \_\_\_\_\_ filed \_\_\_\_\_.  
 Certified Copy of Priority Document [ ] page(s)  
 English Translation of Priority Document [ ] page(s)

**IV. Accompanying Documents**

- Assignment Papers [ ] page(s) of Recordation Cover Sheet [ ] page(s) of Assignment
- Applicant(s) claims Small Entity Under 37 CFR § 1.27 [X] Verified Small Entity Statement was previously filed in Prior Application No. 09/419,694, filed on October 14, 1999.
- Information Disclosure Statement [ ] page(s) of PTO-1449 [ ] copies of IDS References
- A Preliminary Amendment [ ] page(s)
- A copy of a Petition for Extension of Time ( mos.) filed simultaneously in Prior Application No. \_\_\_\_\_
- A copy of a Submission of Processing & Retention Fee (37 CFR § 1.78(a)(1) which is being filed simultaneously in Prior Application No. \_\_\_\_\_
- Other \_\_\_\_\_ (specify)
- Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

**V. Fee Calculation**

<input checked="" type="checkbox"/> The following fees are submitted:					CALCULATIONS
		OTHER THAN SMALL ENTITY	SMALL ENTITY	\$	
<b>BASIC NATIONAL FILING FEE</b>		\$ 710.00	\$ 355.00	\$355.00	
<b>EXTRA CLAIMS FEE</b>					
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	20 - 20 =		× \$18.00	× \$ 9.00	\$
Independent claims	3 - 3 =		× \$80.00	× \$40.00	\$
<b>MULTIPLE DEPENDENT CLAIM(S)</b>					
<input type="checkbox"/> Yes	<input type="checkbox"/> No		\$270.00	\$135.00	\$
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31). _____ (Numbers of Applications) × \$40.00					\$
<b>OTHER FEES</b> _____ (specify)					\$
<b>OTHER FEES</b> _____ (specify)					\$
<b>TOTAL FEES =</b>					<b>\$355.00</b>

- A check in the amount of \$355.00 to cover the above fees is enclosed.
- Please charge Deposit Account No.: \_\_\_\_\_, Docket No. \_\_\_\_\_, in the amount of \$ \_\_\_\_\_ to cover the above fees. *A duplicate copy of this sheet is enclosed.*
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1192, Docket No. 13761-7030.  
*A duplicate copy of this sheet is enclosed*

SEND ALL CORRESPONDENCE TO:

Rajiv Yadav  
 McCutchen, Doyle, Brown & Enersen, LLP  
 Three Embarcadero Center, 18th Floor  
 San Francisco, CA 94111  
 Telephone: (415) 393-2000  
 Facsimile: (415) 393-2286

SIGNATURE

September 27, 2001

NAME

DATE

Rajiv Yadav

43,999

REGISTRATION NUMBER

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Express Mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: September 27, 2001

Name of Person Certifying: \_\_\_\_\_

Printed Name: \_\_\_\_\_

LAER BARRETT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Miller, et al.

Assignee: University of Southern California

Filing Date: September 27, 2001

Examiner: Unassigned

Serial No.: Unasigned

Group Art Unit: Unassigned

Title: **TREATING NEUROLOGICAL DISORDERS USING HUMAN APOPTOSIS INHIBITING PROTEIN.**

**REFERENCE TO PREVIOUSLY FILED IDENTICAL COMPUTER READABLE FORM; CONTINUING OR DERIVATIVE APPLICATIONS; REQUEST FOR TRANSFER OF COMPUTER READABLE FORM UNDER 37 C.F.R. §§ 1.821(e)**

Assistant Commissioner for Patents  
BOX SEQUENCE  
Washington, D.C. 20231

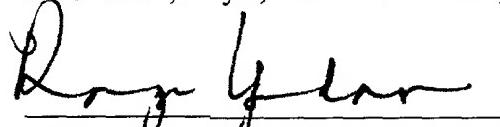
Dear Sir:

The paper copy of the Sequence Listing in this application, is identical to the computer readable copy of the Sequence Listing filed in application 09/419,694, filed October 14, 1999. In accordance with 37 C.F.R. 1.821(e), please use the only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application

number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally-filed specification of the instant application.

Respectfully submitted,

McCutchen, Doyle, Brown & Enersen, LLP



Rajiv Yadav, Ph.D., Esq.  
Registration No. 43,999

Date: September 27, 2001

Mailing Address:

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, 18<sup>th</sup> Floor  
San Francisco, CA 94111  
Telephone: (213) 680-6678  
Facsimile: (213) 680-6499